

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Charles C. Woods Jr.,

PLAINTIFF

v.

Swiss Krono USA, Inc.,

DEFENDANT

Case No. 1:21-cv-01510-TLW-SVH

Order

Plaintiff Charles C. Woods Jr. filed this civil action in state court against Defendant Swiss Krono USA, Inc., raising several claims, including alleged violations of the Americans with Disabilities Act. Swiss Krono removed the case to this Court and filed an answer with counterclaims. Woods then moved to dismiss Swiss Krono's counterclaims, asserting that the Court lacks subject matter jurisdiction over the counterclaims and that Swiss Krono fails to state a claim in light of Rule 43(k) of the South Carolina Rules of Civil Procedure.

The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. The magistrate judge recommends denying Woods' motion to dismiss. The magistrate judge concluded that the Court has supplemental jurisdiction over Swiss Krono's counterclaims under 28 U.S.C. § 1367(a) because the counterclaims are part of the same case and controversy as Woods' federal claims. The magistrate judge also concluded that Rule 43(k) is not applicable here because this case is now governed by the Federal Rules of Civil Procedure, not the South Carolina Rules of Civil Procedure,

and the federal rules do not have an analog to Rule 43(k). Woods did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 14, is **ACCEPTED**, and Woods’ Motion to Dismiss, ECF No. 7, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

September 17, 2021
Columbia, South Carolina